

R277-205 was approved by the Utah State Board of Education on August 7, 2015. R277-205 is published in the September 1, 2015 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of October 8, 2015.

**R277. Education, Administration.**

**R277-205. Alcohol Related Offenses.**

**R277-205-1. Authority and Purpose.**

~~[A-]~~(1) This rule is authorized ~~[under]~~by:

(a) Utah Constitution Article X, Section 3<sub>1</sub> which vests general control and supervision over public education in the Board~~[-]~~<sub>1</sub>

(b) ~~[by]~~Section 53A-6-306<sub>1</sub> which directs the Board to adopt rules regarding UPPAC duties and procedures~~[-]~~<sub>1</sub> and

(c) ~~[by]~~Subsection 53A-1-401(3)<sub>1</sub> which allows the Board to adopt rules in accordance with its responsibilities.

~~[B-]~~(2) The purpose of this rule is to establish procedures for disciplining educators regarding alcohol related offenses.

~~[C-]~~(3) The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

**R277-205-2. Action by the Board if a Licensed Educator Has Been Convicted of an Alcohol Related Offense.**

~~[A-]~~(1)(a) If as a result of a background check, it is discovered that a licensed educator has been convicted of an alcohol related offense in the previous five years, UPPAC shall adhere to the~~[following]~~ minimum conditions described in this Subsection (1).~~[-]~~

([1]b) One conviction--a letter shall be sent to the educator informing the educator of the provisions of this rule~~[-]~~.

([2]c) Two convictions--a letter shall be sent to the educator informing the educator of the provisions of this rule and requiring documentation of clinical assessment and recommended treatment following the second conviction~~[-]~~.

([3]d) If the most recent conviction was more than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical assessment and recommended treatment, UPPAC shall recommend that the Board send a letter of warning to the educator~~[-]~~.

([4]e) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical assessment and recommended treatment, UPPAC shall recommend that the Board send a letter of reprimand to the educator and a letter to the district, if employed~~[-]~~.

([5]f) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides no documentation of clinical assessment and recommended treatment, UPPAC or the Board may initiate an investigation of the educator based upon the alcohol offenses~~[-]~~.

([6]g) Three convictions--a letter shall be sent to the educator informing the educator of the provisions of this rule and requiring documentation of clinical assessment and recommended treatment following the third conviction~~[-]~~.

([7]h) If the most recent conviction was more than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical assessment and

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recommended treatment, UPPAC shall recommend that the Board send a letter of warning to the educator[;].

([8]i) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical assessment and recommended treatment, UPPAC shall recommend that the Board send a letter of reprimand to the educator and send a copy of the letter of reprimand to the educator's employer[; and].

([9]i) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides no documentation of clinical assessment and recommended treatment, UPPAC shall recommend suspension of the educator's license to the Board, subject to the educator's right to a hearing under Rule R277-202.

[B-](2) This rule does not preclude more serious or additional action by the Board against an educator for other related or unrelated offenses.

### **R277-205-3. Board Action Toward Individuals Who Do Not Hold Licensing.**

(1) If as a result of a background check, it is discovered that an individual inquiring about educator licensing, seeking information about educator licensing, or placed in a public school for any purpose requiring a background check, has been convicted of an alcohol related offense within five years of the date of the background check, the[following] minimum conditions described in this section shall apply[;].

[A-](2) [e]One conviction--the individual shall be denied Board clearance for a period of one year from the date of the arrest[;].

[B-](3) [t]Two convictions--the individual shall be denied Board clearance for a period of two years from the date of the most recent arrest and the applicant shall present documentation of clinical assessment and recommended treatment before Board clearance shall be considered[; and].

[C-](4) [t]Three convictions--the Board may require the applicant to present documentation of clinical assessment and recommended treatment and may deny clearance.

**KEY: educators, disciplinary actions, alcohol, background check**

**Date of Enactment or Last Substantive Amendment: [July 8,]2015**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-306; 53A-1-401(3)**